

ORDINANCE NO. 10-10

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING" OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 98-1111 ENTITLED "PERMITTED USES" TO INCREASE THE DISTANCE REQUIREMENTS BETWEEN SECONDHAND (MERCHANDISE) DEALERS AND PRECIOUS METALS DEALERS FROM 2,000 FEET TO 2,500 FEET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 13, 2010 recommended approval of this ordinance; and

WHEREAS, there are 68 pawnshops and secondhand dealers in the City of Hialeah in comparison to 58 licensed pawnshops in unincorporated Miami-Dade County;

WHEREAS, Miami-Dade County has 28 detectives assigned to investigate compliance with the Florida Pawnbrokering Act (the "Act") and utilizes an automated computerized network for reporting pawn slips between pawnbrokers and police;

WHEREAS, the City of Hialeah utilizes a task force of 2 detectives to investigate compliance with the Act reviewing manually-processed pawn slips;

WHEREAS, a financial constraints and a proliferation of pawnshops creates an opportunity for violations of the Act to occur without fear of investigation or prosecution;

WHEREAS, the City of Hialeah has installed new pawn management software to automate the processing of pawn slips, allowing for cross-jurisdictional reporting and investigation, and thereby increasing the ability to assess compliance or investigate violations of the Act;

WHEREAS, the City is ready, able and willing to supply the software to pawnbrokers with the computer capacity to submit pawn slips electronically and the City has an aspirational goal that all panwbrokers will join the network; and

WHEREAS, it is in the best interest of the health, safety and general welfare of the community and the residents of the City of Hialeah to increase the distance requirements between pawnshops and secondhand dealers to aid in more active pawnshop enforcement and management;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: Chapter 98 entitled "Zoning" of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 98

ZONING

* * *

Sec. 98-1111. Permitted uses.

In the C-2 liberal retail commercial district, the permitted uses for land, buildings and other improvements are subject to the general conditions requiring that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and the following:

* * *

(21) Secondhand (merchandise) dealers and precious metals dealers—Distance separation requirements. Where either a secondhand (merchandise) dealer, as defined in article VIII of chapter 18, or precious metals dealer, as defined in article VII of chapter 18, is a permitted use, it shall not be located within a ~~2,000~~2,500-foot radius of any other secondhand (merchandise) dealer or precious metals dealer use. No variances of the distance separation requirements shall be granted for new business locations established after March 1, 2010.

* * *

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

Section 6: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

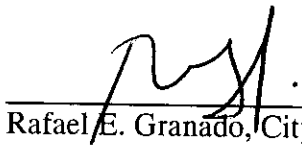
PASSED AND ADOPTED this 9th day of February, 2010.

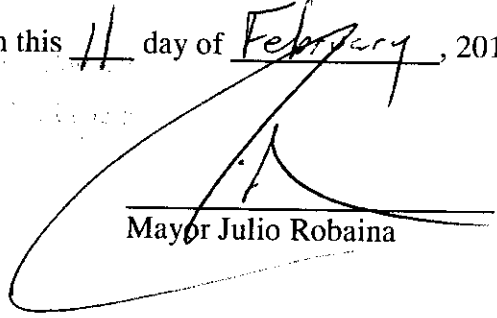
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

Attest:

Approved on this 11 day of February, 2010.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough indicates deletion.~~ Underline indicates addition.

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Ordinance was adopted by a 6-1 vote, with Councilmembers Caragol, Cue, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes", and Councilmember Casals-Muñoz voting "No".